



PATENT
Attorney Docket No. 02376.0006-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
Gondouin)
U.S. Patent No. RE38,616) Application No.: 09/944,115
Issued: October 12, 2004) Filed: September 4, 2001
For: DOWNHOLE EQUIPMENT,)
TOOLS AND ASSEMBLY)
PROCEDURES FOR THE)
DRILLING, TIE-IN AND)
COMPLETION OF VERTICAL)
CASED OIL WELLS)
CONNECTED TO LINER-)
EQUIPPED MULTIPLE)
DRAINHOLES)

RECEIVED

JAN 06 2007

OFFICE OF PETITIONS

12/21/2006 HMARZI1 00000001 RE38616
01 FC:1463

200.00 OP

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR REVIEW OF DECISION REFUSING
TO ACCEPT AND RECORD PAYMENT OF A MAINTENANCE
FEES FILED PRIOR TO EXPIRATION OF PATENT UNDER 37 CFR § 1.377

The USPTO PAIR website lists the above-identified reissue patent as expired for failure to pay the 8th year maintenance fee due on October 31, 2003. The 8th year maintenance fee, however, was paid and accepted by the USPTO on the immediate parent reissue patent.

The application that issued as the above-identified reissue patent was filed as a

continuation application from U.S. Appln. 08/861,457 (which issued as RE37,867 on

Appln. date: 01/16/2007 CKHLOK
12/21/2006 HMARZI1 00000001 RE38616
01 FC:1463 -200.00 OP
Ref. No. 08/861,457
01/16/2007 CKHLOK 0000155495

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October 8, 2002). The '457 application was itself filed as a reissue application from U.S. Patent 5,462,120. The '120 patent issued on October 31, 1995, and therefore, the three maintenance fee due dates for the '120 patent and any reissue are April 31, 1999, April 31, 2003, and April 31, 2007. The first maintenance fee was paid for the '120 patent on April 16, 1999, and Applicant encloses the maintenance fee statement showing payment. Prior to the due date for the second maintenance fee, the '457 application granted as the '867 reissue patent. The second maintenance fee was paid on June 6, 2003 with surcharge for the '867 reissue patent since the '120 patent was surrendered prior to issuance of the '867 reissue patent. Applicant also encloses the maintenance fee statement showing payment of this fee, as well. Only after the second maintenance fee was paid did the above-referenced reissue patent issue.

It appears that in assessing the above-referenced reissue patent, the USPTO only reviewed the file history of the '120 patent and not the '867 reissue patent for payment of the second maintenance fee. The USPTO PAIR page indicates that this reissue patent is expired for failure to pay the second maintenance fee. As only one issued patent was in force as of the due date for the second maintenance fee, only one fee was due, and that fee was paid for the '867 reissue patent.

Therefore, Applicants requests that the USPTO correct the PAIR designation and provide written confirmation that this reissue patent is in good standing.

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The Applicant first became aware of this discrepancy on October 30, 2006, and have filed this request within two months of the action complained of.

Applicant hereby petitions for revival of this application. The petition fee of \$200.00 is enclosed. Applicant requests a refund of this petition fee, as Applicant believes this is the result of a USPTO error.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2006

By: Rebecca M. McNeill
Rebecca M. McNeill
Reg. No. 43,796

96-31380

Filed 06-21-19 96

NATURAL RESERVES GROUP INC

PLAINTIFFS

BAYKO, TOM

NATURE OF ACTION

BREACH OF CONTRACT

52

BAKER HUGHES INCORPORATED

DEFENDANTS

SURETIES ON COST BOND

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| NATURAL RESERVES GROUP INC | | 06-21 19 96 | |
| PLAINTIFFS | | Jury Fee Paid By | |
| BAYKO, TOM | | | |
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| SETTINGS | | Attorneys | |
| 11/10/96 11/25/97 | | 11/10/96 11/27/97 | |
| 11/11/96 11/21/97 | | | |
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| NATURE OF ACTION | | Attorneys | |
| BREACH OF CONTRACT | | 11/10/96 11/27/97 | |
| | | 11/11/96 11/21/97 | |
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| vs. | | DEFENDANTS | |
| BAKER HUGHES INCORPORATED | | | |
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| DEFENDANTS | | Attorneys | |
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| SURETIES ON COST BOND | | | |
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| General Order of Court | Case transferred to | Date |
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| | 35 | |
| AUG 16 1956 | Case transferred to | 35 |
| | Administrative Judge Civil | |
| AUG 23 1956 | Status Conference: | |
| | with Plaintiff Docket No. 11. | |
| | to discuss possible entry holding and/or | |
| | escrow. (Refer to Settlement on | |
| | 11/12/56 and the Settlement Letter | |
| AUG 31 1956 | Plaintiff Final P.R. No. | |
| | 74/96 Plaintiff's Complaint is Plaintiff's | |
| | Sett. Disposition shall be done as | |
| | set forth in the Settlement Letter | |
| SEP 22 1956 | | |
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| 11/0-11-016-1111 | Case transferred to | |
| OCT 11 1956 | Case transferred to | |
| | Administrative Judge Civil | |
| | Sett. Disposition shall be done as | |
| | set forth in the Settlement Letter | |
| NOV 24 1956 | | |

Feb 7 1997 No. 96-31380

General Order of Court

333-1d

Judicial Dis

JUN 17 1997 Application for Writs Regarding [REDACTED] 9/9/97

JUL 22 1997 Motion for Service of Process [REDACTED]

AUG 01 1997 Motion for Extension of Time [REDACTED]

AUG 07 1997 After hearing Motion to Dismiss [REDACTED] 9/15/97

AUG 11-1997 Order Dismissing Motion to Dismiss [REDACTED] 9/15/97

SEP 15/97 Motions Considered: "Roots" Discovery Under All Document [REDACTED] to be Wholly Subsumed by Agreement of the Parties

SEP 17 1997 Motion for Conference

SEP 18 Oral Hearing on Motion Summary Judgment

SEP 30/97 Supplemental Agreement of the Parties

APR 07 1998 Order on Motion to Dismiss [REDACTED]

APR 23- 1998 Motion for Extension of Time [REDACTED]

JUN 09 1998 Order Granting Motion for Extension of Time [REDACTED]

JUL 24/98 Motion [REDACTED] Dismissed [REDACTED] 8/1/98; UNLW by Plaintiff [REDACTED] SIGNED